

Possibility Raised That Records Seized in

By Joe Pichirallo
Washington Post Staff Writer

The Justice Department, reacting to concerns expressed by U.S. officials who took part in the invasion of Panama last December, has asked government agencies including the Central Intelligence Agency to verify that there has been no tampering with records seized from the regime of Gen. Manuel Antonio Noriega.

U.S. government sources said Army intelligence officials became concerned about the CIA's role in the recovery of sensitive Panamanian documents when members of a special Army document team said CIA personnel in Panama asked them to leave a building that housed one of Noriega's primary offices.

Spokesmen for the CIA and the Defense Department declined to comment on whether the CIA was involved in the collection of Panamanian documents during the invasion. A senior Justice Department official involved in the Noriega case, Charles J. Saphos, said he had heard a report that documents were removed by "a particular agency for its own nefarious purposes," but

added that an inquiry convinced him that no documents had been improperly removed.

The CIA spokesman said the agency did not "prevent the military access to any installation" in Panama. A Defense Department spokesman said the Pentagon has no evidence that any U.S. agency interfered with the military's document collection operation or destroyed or removed any documents.

A U.S. government source familiar with the military's document recovery operation said that on Dec. 21, 1989, the day after the invasion began, CIA personnel told a special Army document collection team to vacate a facility known as "Building Eight" at Fort Amador, a U.S.-Panamanian base in Panama City.

The source said the Army document collection unit, assigned to the 470th Military Intelligence Brigade based in Panama, did not return to the building for about 2½ days.

The source said, based on information received from Panamanian informants, the Army intelligence unit viewed "Building Eight" at Fort Amador as a potential major source of documents on Noriega. But when the Army unit resumed the search, accord-

ing to the source, it did not find the kinds of records that Panamanian informants had said would be there.

This reported incident was a primary reason Army intelligence officials involved in the document collection operation expressed concern that the CIA either may have removed or destroyed documents to cover up aspects of its controversial relationship with Noriega, the source said.

In response to questions, a CIA spokesman said "the CIA did not take any documents from Building Eight," and the agency "has not prevented access to any materials obtained during 'Operation Just Cause,'" the Pentagon's name for the Panama invasion.

Asked if the CIA searched for Panamanian records during the invasion, the spokesman said, "Our position is to not comment on allegations of such activities."

The CIA spokesman further said, "The implication . . . is that the CIA obtained materials relevant to the Noriega prosecution that the agency is now concealing from the appropriate authorities. That is completely false."

Noriega's involvement with the CIA and other U.S. agencies, including the military

Panama Were Manipulated

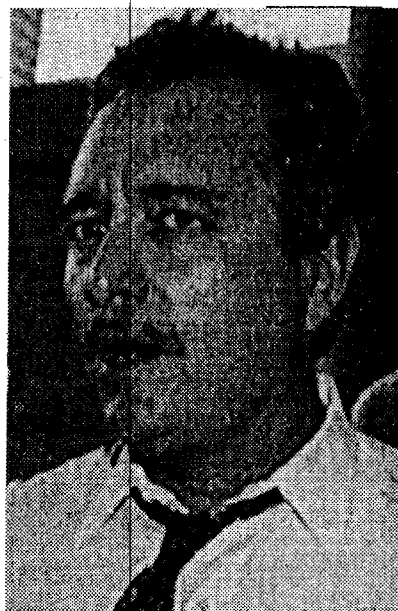
and the Drug Enforcement Administration (DEA), is expected to be a central issue in his trial in U.S. District Court in Miami on drug-trafficking charges.

Defense lawyers are expected to argue that activities the deposed general is charged with were done either with the knowledge or approval of the CIA. After the invasion, Noriega surrendered to U.S. forces and now is in custody.

Last week, federal prosecutors proposed that the U.S. government temporarily subsidize Noriega's defense costs, partly to avoid disclosing how much the CIA and other U.S. agencies secretly paid Noriega, but a judge refused to approve this suggestion.

One major potential source of information about Noriega's relationship with the CIA and other U.S. agencies is the secret files maintained by Noriega, by Panamanian intelligence and military units, and by Noriega's Panamanian civilian and military associates. These files were among the hundreds of thousands of records that were the subject of the military's document recovery operation.

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STEVEN KOLLIN

... plans to press for access to all documents

Justice Asks Agencies to Verify Papers

DOCUMENTS, From A8

Justice Department officials have no evidence "at this point" that any U.S. agency removed or destroyed documents seized in the invasion, according to Saphos, the chief of the department's narcotics unit which is helping to supervise the Noriega case.

Saphos said the department has examined all reports of missing documents. Informed of the account involving "Building Eight," Saphos said he had heard a "similar" report.

Saphos declined to discuss anything about the CIA.

He said that while in Panama after the invasion he had been told "from the very highest level" that "a particular agency for its own nefarious purposes was squirreling stuff [documents] away. . . ."

"I didn't find the horror story where somebody diverted stuff out of the chain for the purpose of concealment or for the purpose of furthering one's agency. There was some negligent handling" of documents, Saphos said.

While not providing any specifics, Saphos said, "in each instance [where] any docu-

ments got outside channels, we had it documented and put back in channels." He did not provide any specific examples.

Saphos said the documents remain in Panama under the control of the Army's 470th Military Intelligence Brigade, which has responsibility for maintaining and distributing the files.

Other U.S. government officials said the documents are being reviewed by an inter-agency group that includes the CIA, the National Security Agency, the FBI, the DEA and the Justice, Treasury and Defense departments.

The documents also are of interest to independent counsel Lawrence E. Walsh, who earlier this year received approval from the Justice Department to review them in connection with his inquiry into the Iran-contra affair. Walsh's interest stems in part from Noriega's contacts with former White House aide Oliver L. North.

Saphos said that among the precautions the Justice Department is taking is "we're compelling each agency to make an internal audit [to determine] whether they got anything that went outside the [document recovery] chain."

He said the department also is conducting a separate audit of the documents to make sure that any document that might be beneficial to Noriega's defense is turned over to his lawyers.

Diane Cossin, a spokeswoman for the U.S. Attorney's office in Miami, which is prosecuting Noriega, said Noriega's lawyers have been told that documents the government plans to use in his trial have been set aside for their review in Panama. Cossin said she does not believe the government will show Noriega's lawyers everything that was seized.

Steven Kollin, a Noriega lawyer, said the defense plans to ask for access to all files seized in the invasion. He said the defense will press the issue in court, and the judge in the case will decide the issue.

Kollin said the defense also will ask prosecutors to certify on the record in court that whatever is now in U.S. custody represents all the documents seized in the invasion.

Access to documents seized in the invasion is the subject of a separate controversy in Panama where different branches of the new

Seized From Noriega Regime

government are feuding over who will receive the records from U.S. authorities.

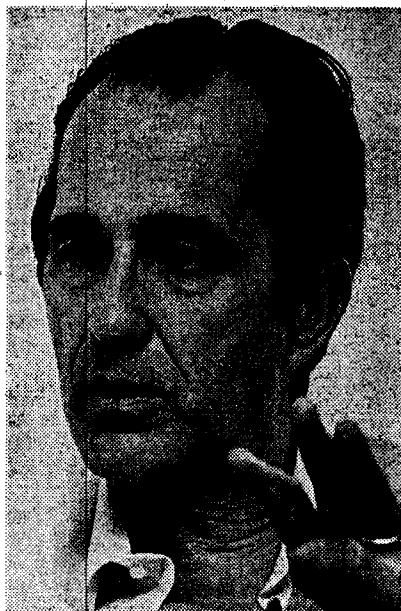
Eusebio R. Marchosky, a lawyer who heads a Panamanian tribunal set up to trace the misuse of government funds by Noriega and his associates, said documents now in U.S. custody are essential to his work, but U.S. officials have refused to grant him access.

Marchosky also has been engaged in a public dispute over the documents with Vice President Ricardo Arias Calderon.

Prosecutors in the Noriega case have said in court papers that the U.S. government in negotiations with "the vice president of Panama" has agreed that the records, while in American custody, belong to the new Panamanian government.

Ebrahim Asvat, a legal adviser to Arias Calderon, said yesterday that U.S. officials are awaiting the appointment of a Panamanian official who will coordinate all Panamanian requests for access to the documents.

Staff writers Jim McGee, Molly Moore, staff researcher Ralph Gaillard Jr., and special correspondent Bertha Thayer contributed to this report.



RICARDO ARIAS CALDERON
... in dispute with Panamanian tribunal